

Exhibit 1

Schwartz, Brian M.

From: Schwartz, Brian M.
Sent: Thursday, May 29, 2025 8:57 PM
To: Nan Zhong
Cc: Stanley Zhong; Rohlicek, Sydney G.
Subject: RE: Motion to Drop Plaintiff SWORD and Proposal for FRCP 26(f) Conference - Zhong, et al. v Regents of the University of Michigan (2:25-cv-10579) [MCPS-ACTIVE.FID3550637]

I can talk at 3:30 PM ET on Friday. I do not expect this will last more than 10-15 minutes. I will send a calendar invite so that all can join.

Brian M. Schwartz | Principal & Group Leader
Miller Canfield
T: +1.313.496.7551 | F: +1.313.496.7500 | M: +1.248.930.6088



From: Nan Zhong <nanzhong1@gmail.com>
Sent: Thursday, May 29, 2025 8:24 PM
To: Schwartz, Brian M. <schwartzb@millercanfield.com>
Cc: Stanley Zhong <stanleyzhong05@gmail.com>; Rohlicek, Sydney G. <Rohlicek@millercanfield.com>
Subject: Re: Motion to Drop Plaintiff SWORD and Proposal for FRCP 26(f) Conference - Zhong, et al. v Regents of the University of Michigan (2:25-cv-10579) [MCPS-ACTIVE.FID3550637]

Caution: This is an external email. Do not open attachments or click links from unknown or unexpected emails.

Hi Brian,

Thank you for your email.

I want to clarify regarding our availability for a meet and confer. As pro se plaintiffs with full-time jobs in California, it is challenging to accommodate last-minute requests for meetings during core East Coast business hours, as was proposed for today or tomorrow. This is not a refusal to meet, but a practical constraint given the short notice and the time difference. We had previously agreed on a time to meet and confer until you needed to reschedule.

I am still willing to meet and confer to discuss the matters you've raised, including the University's anticipated Motion to Dismiss and your proposal for an order regarding an amended complaint. If the University is indeed in a significant hurry that necessitates a meeting soon, as your email implies, I

reiterate my availability to meet this coming weekend (Saturday, June 1st, or Sunday, June 2nd). In addition, if the meeting won't take longer than 30 minutes, I can make it work on Friday, May 30, at 12:30pm PT (3:30pm ET). Please let me know if these times work for your team. Alternatively, if none of the time slots above is suitable for you, please propose some specific times for next week, and I will do my best to coordinate with my work schedule and Stanley's.

Regarding the sequence of pleadings, and to be perfectly clear: my position remains that I intend to file a First Amended Complaint in response to, and after reviewing, the University's formally filed and served Motion to Dismiss the current Complaint. This is in accordance with my rights under FRCP 15(a)(1)(B) and will allow for the most informed and efficient amendment.

Therefore, I do not believe a motion to compel an earlier deadline for our First Amended Complaint is necessary or warranted. Perhaps during our meet and confer, we can discuss a reasonable schedule that respects this procedural sequence.

Please let me know your preference for scheduling the meet and confer.

Best regards,
Nan

On Thu, May 29, 2025 at 2:18 PM Schwartz, Brian M. <schwartzb@millercanfield.com> wrote:

Nan:

While we understand that you have full-time jobs, you are also each proceeding pro se in a lawsuit pending in the Eastern District of Michigan. Since you are not available during business hours, we will proceed with our motion for the Court to enter an order setting a deadline for Plaintiffs to file a First Amended Complaint. We remain available to discuss. Please let us know when you are both available.

Regards,

Brian

Brian M. Schwartz | Principal & Group Leader
Miller Canfield
T: +1.313.496.7551 | F: +1.313.496.7500 | M: +1.248.930.6088



From: Nan Zhong <nanzhong1@gmail.com>
Sent: Thursday, May 29, 2025 12:17 PM
To: Schwartz, Brian M. <schwartzb@millercanfield.com>
Cc: Stanley Zhong <stanleyzhong05@gmail.com>; Rohlicek, Sydney G. <Rohlicek@millercanfield.com>
Subject: Re: Motion to Drop Plaintiff SWORD and Proposal for FRCP 26(f) Conference - Zhong, et al. v Regents of the University of Michigan (2:25-cv-10579) [MCPS-ACTIVE.FID3550637]

Caution: This is an external email. Do not open attachments or click links from unknown or unexpected emails.

Hi Brian,

Thank you for your email today, May 29th, and for your quick response. I, too, am keen to address these preliminary matters efficiently, which is why I initiated this email thread, with the aim of progressing this case.

Regarding your request to meet and confer today (Thursday, May 29th) or tomorrow (Friday, May 30th) during regular East Coast business hours: As you know, both Stanley and I are pro se plaintiffs with full-time jobs. Rescheduling our work commitments on such short notice to accommodate daytime East Coast business hours is quite difficult. Please keep in mind that we had mutually agreed to a time to meet and confer. Since you are the party to reschedule it, please allow us time to find mutually convenient time. If the University is indeed in a significant hurry to confer before filing any motion with the Court, we would be willing to make ourselves available to meet this coming weekend (Saturday, June 1st, or Sunday, June 2nd). Please let us know if that would work for your team. Otherwise, if a weekend meeting is not preferable for you, we would appreciate your understanding in allowing Stanley and me a brief opportunity to coordinate our work schedules so we can propose some alternative time slots for next week.

Regarding the sequence of pleadings: I understand the University's concern about potentially drafting a motion to dismiss a complaint that we intend to amend. However, as I previously indicated, my firm intention is to utilize my right under FRCP 15(a)(1)(B) to file a First Amended Complaint **after** reviewing the University's formally filed and served Motion to Dismiss.

This approach allows us to ensure that our one amendment "as a matter of course" is as targeted and comprehensive as possible. For example, your earlier email outlined several anticipated arguments,

including some which we have not yet had the opportunity to discuss at all. We would need to see your full legal reasoning and authorities before we could amend most effectively. Reviewing your complete motion will ensure our amendment directly addresses all specific arguments and authorities the University presents. I believe this is not only our procedural right but also ultimately contributes to a "just" determination (as FRCP 1 also states) by allowing for a fully informed responsive pleading, which may better narrow the issues for the Court.

Therefore, while I am committed to discussing the substance of your anticipated motion during our meet and confer, I cannot agree to a stipulation or consent to a motion that would require us to file a First Amended Complaint *before* the University files its initial responsive pleading. If the University proceeds to file a motion for an order setting a deadline for the FAC before filing its MTD, I will have to explain my position to the Court based on the provisions of FRCP 15.

I look forward to your reply.

Regards,
Nan

On Thu, May 29, 2025 at 6:00 AM Schwartz, Brian M. <schwartzb@millercanfield.com> wrote:

Stanley and Nan:

We are requesting that the parties meet and confer today or tomorrow. The court rules state that they “should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1. Therefore, we are requesting that Plaintiffs reconsider their refusal to stipulate to a schedule that would avoid the costly waste of resources associated with the University drafting and filing a motion to dismiss a complaint that Plaintiffs already intend to amend. To that end, please consider this email the University’s request for concurrence in a motion for the Court to enter an order setting a deadline for Plaintiffs to file a First Amended Complaint. That motion will also seek to stay the deadline for the University to respond to current Complaint. The University will be seeking expedited consideration of this motion given the impending deadline for the University to otherwise respond to the Complaint. We will be filing that motion by Friday (May 30) if we cannot reach an agreement on a stipulation.

Please let me know if you are available today (May 29) or Friday (May 30) during regular east coast business hours. We can discuss the University’s potential motion to dismiss (described below), which appears to be unnecessary given your stated intent to amend, as well as the motion for an order setting a deadline.

Regards,

Brian

Brian M. Schwartz | Principal & Group Leader

Miller Canfield

T: +1.313.496.7551 | F: +1.313.496.7500 | M: +1.248.930.6088



**SOC 2
TYPE II
CERTIFIED**



Mansfield Rule
Certified *Plus* Powered by
DIVERSITYLAB

From: Stanley Zhong <stanleyzhong05@gmail.com>

Sent: Thursday, May 29, 2025 1:17 AM

To: Schwartz, Brian M. <schwartzb@millercanfield.com>

Cc: Nan Zhong <nanzhong1@gmail.com>; Rohlicek, Sydney G. <Rohlicek@millercanfield.com>

Subject: Re: Motion to Drop Plaintiff SWORD and Proposal for FRCP 26(f) Conference - Zhong, et al. v Regents of the University of Michigan (2:25-cv-10579) [MCPS-ACTIVE.FID3550637]

Caution: This is an external email. Do not open attachments or click links from unknown or unexpected emails.

Hi Brian,

Unfortunately I am not available at 4pm Pacific on May 29. Could we move to a different date? Both Nan and I available Tuesday, Thursday, and Friday after 5pm, and we can meet on the weekend if that works better for you.

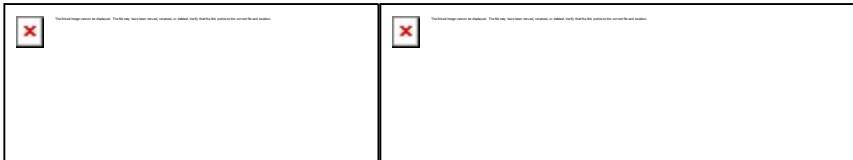
Best,

Stanley

On Wed, May 28, 2025, 7:30 PM Schwartz, Brian M. <schwartzb@millercanfield.com> wrote:

Nan and Stanley: A conflict developed with my schedule. Are both of you available at 7 PM ET / 4 PM PT on May 29? If so, I will send a Teams invite.

Brian M. Schwartz | Principal & Group Leader
Miller Canfield
T: +1.313.496.7551 | F: +1.313.496.7500 | M: +1.248.930.6088



From: Schwartz, Brian M. <schwartzb@millercanfield.com>
Sent: Wednesday, May 28, 2025 10:15 PM
To: Nan Zhong <nanzhong1@gmail.com>; Rohlicek, Sydney G. <Rohlicek@millercanfield.com>
Cc: stanleyzhong05@gmail.com
Subject: RE: Motion to Drop Plaintiff SWORD and Proposal for FRCP 26(f) Conference - Zhong, et al. v Regents of the University of Michigan (2:25-cv-10579) [MCPS-ACTIVE.FID3550637]

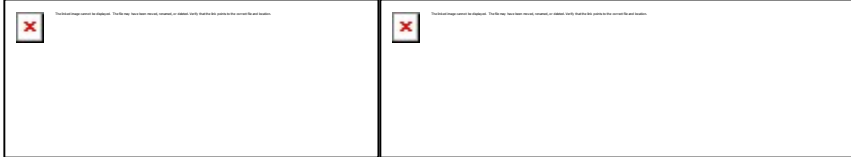
Nan and Stanley: I will be sending a Microsoft Teams invite for the meet-and-confer tomorrow afternoon/evening.

Stanley: If you are unable to attend, please let us know when you are able to meet and confer regarding our arguments seeking dismissal of your claims.

Brian M. Schwartz | Principal & Group Leader

Miller Canfield

T: +1.313.496.7551 | F: +1.313.496.7500 | M: +1.248.930.6088



From: Nan Zhong <nanzhong1@gmail.com>

Sent: Wednesday, May 28, 2025 11:45 AM

To: Rohlicek, Sydney G. <Rohlicek@millercanfield.com>

Cc: stanleyzhong05@gmail.com; Schwartz, Brian M. <schwartzb@millercanfield.com>

Subject: Re: Motion to Drop Plaintiff SWORD and Proposal for FRCP 26(f) Conference - Zhong, et al. v Regents of the University of Michigan (2:25-cv-10579) [MCPS-ACTIVE.FID3550637]

You don't often get email from nanzhong1@gmail.com. [Learn why this is important](#)

Caution: This is an external email. Do not open attachments or click links from unknown or unexpected emails.

Hi Sydney,

Thank you for your email and for sending over the draft [PROPOSED] STIPULATED ORDER. I have received it.

Regarding the meet and confer required by Local Rule 7.1, let's meet on **Thursday, May 29th, between 8:00 PM - 9:00 PM ET (5:00 PM - 6:00 PM PT)**. Thanks for accommodating the time zone difference! My co-plaintiff, Stanley Zhong, may not be available to join this particular conference, but I will be attending.

Concerning the sequence of pleadings and the proposed stipulation: as I indicated previously, my firm intention is to file a First Amended Complaint that will, among other things, withdraw all claims for monetary damages, add specific University officials in their official capacity for the purpose of seeking injunctive relief, and further refine the factual allegations supporting my claims.

To ensure this First Amended Complaint is as comprehensive and responsive as possible to the University's specific legal arguments, which I believe best serves judicial economy by potentially narrowing or resolving issues definitively, I intend to file it *after* the University has formally filed and served its Motion to Dismiss. This approach aligns with my rights under FRCP 15(a)(1)(B), which allows a plaintiff to amend once as a matter of course within 21 days after service of a Rule 12(b) motion.

Therefore, I cannot agree to the proposed stipulation in its current form, as it reverses this intended sequence. However, I am fully prepared to discuss the substance of your anticipated Motion to Dismiss and the overall path forward for these initial pleadings during our meet and confer.

I look forward to our discussion on May 29th.

Best regards,
Nan

On Wed, May 28, 2025 at 6:28 AM Rohlicek, Sydney G. <Rohlicek@millercanfield.com> wrote:

Nan (and Stanley):

Thank you for your response and your indication that you intend to respond to the University's forthcoming Motion to Dismiss by filing a First Amended Complaint. Given your intention, I have drafted a stipulated order which would permit you to file a First Amended Complaint and extend the University's obligation to respond until after the filing of your amended complaint. At this time, before the University has filed a responsive pleading, discussion of discovery or expert witnesses is premature. That being said, we are available to discuss the attached stipulation with you and Stanley Zhong on Thursday, May 29 between 5-6 PM ET (2-3 PM PT) or 8-9 PM ET (5-6 PM PT) or on Friday, May 30 before 4:30 PM ET (1:30 PM PT).

Alternatively, please let me know if I have permission from both of you to submit the attached stipulated order to the Court.

Thank you,

Sydney

Sydney G. Rohlicek | Associate
Miller Canfield
T: +1.313.496.7946 | F: +1.313.496.7500

From: Nan Zhong <nanzhong1@gmail.com>
Sent: Wednesday, May 28, 2025 3:08 AM
To: Schwartz, Brian M. <schwartzb@millercanfield.com>
Cc: Rohlicek, Sydney G. <Rohlicek@millercanfield.com>
Subject: Re: Motion to Drop Plaintiff SWORD and Proposal for FRCP 26(f) Conference - Zhong, et al. v Regents of the University of Michigan (2:25-cv-10579) [MCPS-ACTIVE.FID3550637]

Some people who received this message don't often get email from nanzhong1@gmail.com. [Learn why this is important](#)

Caution: This is an external email. Do not open attachments or click links from unknown or unexpected emails.

Hi Brian,

I'm motivated to expedite this matter towards discovery on the core issue of injunctive relief against alleged racial discrimination in admissions. Therefore I am ready to **withdraw all claims for monetary damages**.

In addition, the Amended Complaint will add as defendants, in their official capacities for the purpose of seeking injunctive relief, the President of the University of Michigan and the University official primarily responsible for overseeing undergraduate admissions.

I am prepared to move to discovery promptly, with evidence including information from whistleblower reports, the expert witness previously retained by Students for Fair Admissions (ready to analyze admissions data), and character witnesses.

Given this approach, I believe a voluntary dismissal is not a viable path, but I look forward to our discussion.

Best regards,
Nan

On Fri, May 23, 2025 at 12:56 PM Nan Zhong <nanzhong1@gmail.com> wrote:

Hi Brian,

Thank you for outlining the University of Michigan's anticipated arguments for its intended Motion to Dismiss. I appreciate you sharing this information in advance.

I am available to meet and confer as required by Local Rule 7.1 to discuss these matters. Please let me know your availability in the coming days. I am generally available on nights and weekends and, to a limited degree, Fridays, or please propose times that work for your team. For scheduling purposes, please note that I am located in California, which is three hours behind Michigan time. While I will engage in this discussion in good faith, I must be candid. Given the profound constitutional issues of racial discrimination at stake in this litigation, which echo the significance of landmark cases such as *Grutter v. Bollinger*, and my firm conviction in the merits of my claims, a voluntary dismissal of these core constitutional challenges is highly improbable. I am committed to pursuing these critical legal questions to their fullest resolution, if necessary, to the Supreme Court, and I am prepared to spend the next 10 years fighting this legal battle. Indeed, I am hopeful that, unlike some recent racial discrimination cases in admissions where certiorari was declined, the compelling nature of my case and the sharp dissents, such as those from Justice Thomas and Justice Alito, signal an opportune moment for the Supreme Court to address these enduring issues.

To that end, and in light of the issues you've raised, I intend to file a First Amended Complaint. This amendment will, among other things, further specify the parties against whom injunctive relief is sought and refine the factual allegations supporting my claims of significant constitutional magnitude. Should the University proceed to file a Motion to Dismiss, I anticipate filing this First Amended Complaint within the 21-day period permitted by FRCP 15(a)(1)(B) after service of such a motion. I hope this clarification might streamline our discussion.

Regarding the Rule 26(f) conference, I understand your position that it may be premature before the Court rules on a potentially dispositive motion. I am open to discussing the timing of the Rule 26(f) conference and the overall case schedule during our meet and confer, with the understanding that I am eager to move this case forward to discovery should my claims proceed. Furthermore, I am prepared with expert witnesses ready to analyze the University's admissions data once discovery commences, which I believe will further substantiate my claims.

I look forward to discussing these matters with you.

Best regards,
Nan

On Wed, May 21, 2025 at 12:14 PM Schwartz, Brian M. <schwartzb@millercanfield.com> wrote:

Nan:

Thank you for your email. The University will be filing a motion to dismiss under Rule 12 in lieu of an answer. That motion will argue, among other things, that Plaintiffs' equal protection claim should be dismissed because the University is immune from claims arising under Section 1983 and is not a person capable of being sued under that statute; that Plaintiffs cannot pursue an equal protection claim based on an alleged disparate impact; and that Plaintiffs fail to plead a plausible equal protection claim. Regarding Plaintiffs' Title VI claim, the motion will argue that such claim should be dismissed because Plaintiffs cannot pursue a Title VI claim based on an alleged disparate impact and that they fail to plead a plausible Title VI claim. Regarding Plaintiffs' Michigan constitutional claim, the motion will argue that sovereign immunity bars such a claim against the University in federal court and that, in any event, Plaintiffs failed to comply with the mandatory governmental notice requirements for pursuing claims against the University. Next, the motion will argue that Nan Zhong should be dismissed due to lack of standing. Finally, to the extent the Court does not dismiss the Complaint in its entirety, the motion will request that the Court, pursuant to Rule 12(f), strike the various paragraphs that have nothing to do with Plaintiffs' alleged claims against the University of Michigan.

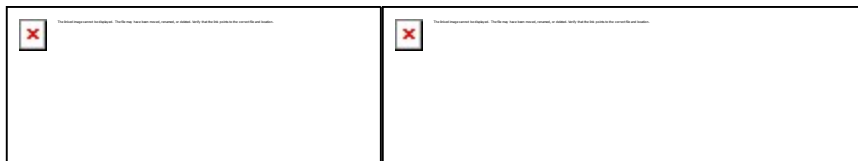
Pursuant to Local Rule 7.1, I am writing to seek your concurrence in the above-described motion. Please let me know when you are available to meet and confer to discuss whether Plaintiffs are willing to voluntary dismissal some or all these claims.

Given that the University will be seeking to dismiss Plaintiffs' claims, including on immunity grounds, we believe it is premature to schedule a Rule 26(f) conference before the Court rules on the motion.

Thank you,

Brian

Brian M. Schwartz | Principal & Group Leader
Miller Canfield
T: +1.313.496.7551 | F: +1.313.496.7500 | M: +1.248.930.6088



From: Nan Zhong <nanzhong1@gmail.com>

Sent: Tuesday, May 20, 2025 11:20 PM

To: Schwartz, Brian M. <schwartzb@millercanfield.com>; Rohlicek, Sydney G. <rohlicek@millercanfield.com>

Cc: Jennifer Traver <jltraver@umich.edu>

Subject: Motion to Drop Plaintiff SWORD and Proposal for FRCP 26(f) Conference - Zhong, et al. v Regents of the University of Michigan (2:25-cv-10579)

Some people who received this message don't often get email from nanzhong1@gmail.com. [Learn why this is important](#)

Caution: This is an external email. Do not open attachments or click links from unknown or unexpected emails.

Hi Brian and Sydney,

Please be advised that we filed a Motion to Drop Plaintiff SWORD from this action on May 16 (docket entry 16).

While we recognize that your Answer to the Complaint is not yet due, we would like to proactively suggest scheduling our FRCP 26(f) meet and confer.

Once you have had an opportunity to file your Answer, we would be pleased to discuss the matters outlined in Rule 26(f), including our respective initial disclosures, the development of a proposed discovery plan, etc.

Please let us know your availability to confer in the weeks following the filing of your Answer.

Sincerely,

Nan

On Tue, Apr 8, 2025 at 11:17 AM Nan Zhong <nanzhong1@gmail.com> wrote:

Received, thank you.

On Tue, Apr 8, 2025 at 10:55 AM Jennifer Traver <jltraver@umich.edu> wrote:

Hello:

Attached for your handling and filing with the Court, please find the *Waiver of Service* on behalf of Defendant, The Regents of the University of Michigan in regards to this matter.

Should you have any questions, please advise our office. Thank you!

--

Jennifer L. Traver

Senior Legal Assistant

University of Michigan

Office of the Vice President & General Counsel

[1109 Geddes Avenue](#)

Ruthven Building, Suite 2300

Ann Arbor, MI 48109-1079

Telephone: (734) 764-0304; Direct: (734) 615-6875

Fax: (734) 763-5648



Confidentiality Notice:

The information contained in this message, including any attachment(s), is intended only for the personal and confidential use of the designated addressee(s). Such information may be privileged attorney-client communication. If you are not an addressee, any review, dissemination, disclosure, distribution, duplication, or use of the contents of this communication, including any attachment(s), is strictly prohibited. If you are not

intended recipient and/or have received this message in error, please notify the sender immediately and destroy all copies of the original message, including any attachment(s). Thank you!

You have received a message from the law firm Miller Canfield. The information contained in or attached to this electronic mail may be privileged and/or confidential. If you received this transmission and are not the intended recipient, you should not read this message and are hereby notified that any dissemination, distribution or copying of this communication and/or its attachments is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and delete or destroy the original and any copies, electronic, paper or otherwise, that you may have of this communication and any attachments.